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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/982,984	10/17/2001	Do-Houn Pyun	45756/DBP/Y35	8184

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EXAMINER

PATEL, ASHOK

ART UNIT PAPER NUMBER

2879

DATE MAILED: 08/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application N .

09/982,984

Applicant(s)

PYUN ET AL.

Examiner

Ashok Patel.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 09/058,544.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>6</u> | 6) <input type="checkbox"/> Other: |

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1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 5-9, 13-16, 19, 22 and 25-28 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Kawamura et al ('U.S.P. 5,216,321, of record).

Kawamura et al disclose applicant's claimed CRT (see Figures 1, 2) including: a funnel having a neck and an opening, an electron gun (7), a deflection yoke (9), a shadow mask (6), a panel having a flat exterior surface (11) and a concave interior surface, a phosphor screen 10, a phosphor screen on the interior surface, wherein a length from a central portion of the phosphor screen to a point where a vertical side line of the phosphor screen intersects the horizontal axis is less than a length from the central portion of the phosphor screen to a point where vertical side line intersects the diagonal line. Further, the faceplate of Kawamura et al would inherently satisfy applicant's claimed relationship of $Y1 - Y2$ less than or equal to 0, where $Y1$ is a distance between the exterior surface and a visual image on

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a central axis of the faceplate panel and Y2 is a distance between the exterior surface and a visual image on a periphery of the faceplate panel.

As to claims 5-7, 13-15, and 25-27, these claims recite a functional limitation of high transmissivity of 85% or greater, which is narrative in form and does not include any positive structure. In order to be given a patentable weight, a functional recitation must be expressed as "means" for performing the specified function, as set forth in 35 U.S.C. 6th paragraph, and must be supported by recitation in the claims of sufficient structure to warrant the presence of the functional language. In re fuller, 1929 C.D. 172: 388 O.G. 279.

3. Claims 1, 5-9, 13-16, 19, 22 and 25-28 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Makoto (JP 6-36710, of record).

Makoto et al disclose applicant's claimed CRT (see all drawing Figures) including a flat panel, a funnel having a neck and an opening, an electron gun, a deflection yoke, a shadow mask curved in at least one direction, wherein the panel includes a flat front surface (11) and an inner concave surface (2), wherein a length from a central portion of the phosphor screen to a point where a vertical side line of the phosphor

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screen intersects the horizontal axis is less than a length from the central portion of the phosphor screen to a point where vertical side line intersects the diagonal line. Further, the faceplate of Makoto would inherently satisfy applicant's claimed relationship of $Y1 - Y2$ less than or equal to 0, where $Y1$ is a distance between the exterior surface and a visual image on a central axis of the faceplate panel and $Y2$ is a distance between the exterior surface and a visual image on a periphery of the faceplate panel.

As to claims 5-7, 13-15, and 25-27, the functional limitation of high transmissivity of 85% or greater does not include any positive structure for reasons set forth earlier in this office action.

4. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

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Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

5. Claims 1-30 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-12 of U. S. Patent 6,459,196. Although the conflicting claims are not identical, they are not patentably distinct from each other because claims 1-12 of U.S. Patent 6,459,196 recite applicant's claimed flat panel CRT including: a panel, a shadow mask, an electron gun, a deflection yoke, inner and outer surfaces and transmission ratios.

6. Claims 1-30 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-14 of U. S. Patent 6,160,344. Although the conflicting claims are not identical, they are not patentably distinct from each other because claims 1-14 of U.S. Patent 6,160,344 recite applicant's claimed flat panel CRT including: a panel, a shadow mask, an electron gun, a deflection yoke, inner and outer surfaces and transmission ratios.

7. Claims 1-30 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being

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unpatentable over claims 1-4 of copending Application No. 09/918,634. Although the conflicting claims are not identical, they are not patentably distinct from each other because claims 1-4 of copending Application No. 09/918,634 recite applicant's claimed flat panel CRT including: a panel, a shadow mask, an electron gun, a deflection yoke, inner and outer surfaces and transmission ratios as now recited in instant claims 1-30.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

8. Claims 1-30 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-27 of copending Application No. 09/983,003. Although the conflicting claims are not identical, they are not patentably distinct from each other because claims 1-27 of copending Application No. 09/983,003 recite applicant's claimed flat panel CRT including: a panel, a shadow mask, an electron gun, a deflection yoke, inner and outer surfaces and transmission ratios as now recited in instant claims 1-30.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented:

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9. Claims 2-4, 10-12, 17, 18, 20, 21, 23, 24, 29 and 30 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 2, 3, 10, 11, 17, 20, 23 are allowable over prior art of the record since prior art of the record does not disclose applicant's claimed CRT satisfying relationships recited therein.

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Iwata et al is cited for showing a general structure of a CRT envelope.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ashok Patel whose telephone number is 703-305-4934. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimesh Patel can be reached on 703-305-4794. The fax phone numbers for the

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organization where this application or proceeding is assigned are 703-308-7382 for regular communications and 703-308-7382 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4900.



Ashok Patel
Primary Examiner
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